

DEPARTMENT OF COMMUNITY SERVICES AND DEVELOPMENT

700 North 10th Street, Room 258
Sacramento, CA 95814
(916) 341-4200
(916) 341-4203 (FAX)
(916) 327-6318 (TDD)



July 19, 2004

To: LIHEAP Contractors

Re: **Draft LIHEAP Abbreviated State Plan Application for Fiscal Year 2005**

Enclosed for your review is a copy of the draft Low-Income Home Energy Assistance Program (LIHEAP) Abbreviated State Plan Application for Fiscal Year 2005. Under federal LIHEAP guidelines adopted by the U.S. Department of Health and Human Services (HHS), states are to submit a detailed plan every three years, and in the alternate years, an abbreviated application may be submitted if there are no substantial changes to the program. The Department of Community Services and Development (CSD) submitted a detailed plan for the 2004 Program Year. Therefore, CSD is submitting an abbreviated application for 2005.

A public hearing will be held to accept comments regarding the draft LIHEAP Abbreviated State Plan Application. The hearing is scheduled for August 17, 2004 at 10:00 a.m. and will be conducted at CSD, 700 North Tenth Street, Sacramento, Bado Conference Room. Persons presenting oral testimony are requested to provide a written statement of their presentation at the conclusion of their testimony. If you cannot attend the hearing but wish to comment, written testimony will be accepted until 5:00 p.m. on August 17, 2004. Please limit your comments to the contents of the abbreviated State Plan Application. Written testimony may be submitted to John Ochoa, Program Manager, Program Development and Support.

The draft LIHEAP Abbreviated State Plan Application will be available effective July 19, 2004 on CSD's web site at <http://www.csd.ca.gov> (under "What's New", "Public Notices") or by calling Dorcas Reyes-Fernandez at (916) 341-4331. Copies of the draft LIHEAP Abbreviated State Plan Application will also be available at the hearing.

Sincerely,

JOHN OCHOA
Program Manager
Program Development and Support

Enclosure

NOTICE

Americans with Disabilities Act

Individuals who, because of a disability, need special assistance to attend the draft LIHEAP Abbreviated State Plan public hearing, may request assistance by calling Dawn Chambers at (916) 341-4263. Requests should be made at least five working days in advance.

ATTACHMENT 4

LOW INCOME HOME ENERGY ASSISTANCE PROGRAM (LIHEAP)

ABBREVIATED MODEL PLAN

PUBLIC LAW 97-35, AS AMENDED

FISCAL YEAR (FY) 2005

**GRANTEE: State of California, Department of Community Services
and Development**

EIN: 1-94-6001347-K4

DUNS: 949089163

ADDRESS: 700 N. 10th Street, Room 258

Sacramento, CA 95814

EMAIL: tdayonot@csd.ca.gov

TELEPHONE: (916) 341- 4300 FAX: (916) 341-4203

LAST DETAILED MODEL PLAN FILED FY 2004

PLEASE CHECK ONE: TRIBE _____ STATE X INSULAR AREA

**Department of Health and Human Services
Administration for Children and Families
Office of Community Services
Washington, D.C. 20447**

**August 1987, revised 05/92, 02/95, 03/96, 12/98, 11/01
OMB Approval No. 0970-0075,
Expiration Date: 02/28/2005**

THE PAPERWORK REDUCTION ACT OF 1995 (Pub. L. 104-13)

Use of this model plan is optional. However, the information requested is required in order to receive a Low Income Home Energy Assistance Program (LIHEAP) grant in years in which a grantee is not required to use the detailed model plan. Public reporting burden for this collection of information is estimated to average 20 minutes per response, including the time for reviewing instructions, gathering and maintaining the data needed, and reviewing the collection of information. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Assurances

The Department of Community Services and Development agrees to:

(1) use the funds available under this title to--

(A) conduct outreach activities and provide assistance to low income households in meeting their home energy costs, particularly those with the lowest incomes that pay a high proportion of household income for home energy, consistent with paragraph (5);

(B) intervene in energy crisis situations;

(C) provide low-cost residential weatherization and other cost-effective energy-related home repair; and

(D) plan, develop, and administer the State's program under

and the State agrees not to use such funds for any purposes other than those specified in this title;

(2) make payments under this title only with respect to--

(A) households in which one or more individuals are receiving--

(i) assistance under the State program funded under part A of title IV of the Social Security Act;

(ii) supplemental security income payments under title XVI of the Social Security Act;

(iii) food stamps under the Food Stamp Act of 1977; or

(iv) payments under section 415, 521, 541, or 542 of title 38, United States Code, or under section 306 of the Veterans' and Survivors' Pension Improvement Act of 1978; or

(B) households with incomes which do not exceed the greater of--

(i) an amount equal to 150 percent of the poverty level for such State; or

(ii) an amount equal to 60 percent of the State median income;

except that a State may not exclude a household from eligibility in a fiscal year solely on the basis of household income if such income is less than 110 percent of the poverty level for such State, but the State may give priority to those households with the highest home energy costs or needs in relation to household income.

(3) conduct outreach activities designed to assure that eligible households, especially households with elderly individuals or disabled individuals, or both, and households with high home energy burdens, are made aware of the assistance available under this title, and any similar energy-related assistance available under subtitle B of title VI (relating to community services block grant program) or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(4) coordinate its activities under this title with similar and related programs administered by the Federal Government and such State, particularly low-income energy-related programs under subtitle B of title VI (relating to community services block grant program), under the supplemental security income program, under part A of title IV of the Social Security Act, under title XX of the Social Security Act, under the low-income weatherization assistance program under title IV of the Energy Conservation and Production Act, or under any other provision of law which carries out programs which were administered under the Economic Opportunity Act of 1964 before the date of the enactment of this Act;

(5) provide, in a timely manner, that the highest level of assistance will be furnished to those households which have the lowest incomes and the highest energy costs or needs in relation to income, taking into account family size, except that the State may not differentiate in implementing this section between the households described in clauses 2(A) and 2(B) of this subsection;

(6) to the extent it is necessary to designate local administrative agencies in order to carry out the purposes of this title, to give special consideration, in the designation of such agencies, to any local public or private nonprofit agency which was receiving Federal funds under any low-income energy assistance program or weatherization program under the Economic Opportunity Act of 1964 or any other provision of law on the day before the date of the enactment of this Act, except that--

(A) the State shall, before giving such special consideration, determine that the agency involved meets program and fiscal requirements established by the State; and

(B) if there is no such agency because of any change in the assistance furnished to programs for economically disadvantaged persons, then the State shall give special consideration in the designation of local administrative agencies to any successor agency which is operated in substantially the same manner as the predecessor agency which did receive funds for the fiscal year preceding the fiscal year for which the determination is made;

(7) if the State chooses to pay home energy suppliers directly, establish procedures to --

(A) notify each participating household of the amount of assistance paid on its behalf;

(B) assure that the home energy supplier will charge the eligible household, in the normal billing process, the difference between the actual cost of the home energy and the amount of the payment made by the State under this title;

(C) assure that the home energy supplier will provide assurances that any agreement entered into with a home energy supplier under this paragraph will contain provisions to assure that no household receiving assistance under this title will be treated adversely because of such assistance under applicable provisions of State law or public regulatory requirements; and

(D) ensure that the provision of vendored payments remains at the option of the State in consultation with local grantees and may be contingent on unregulated vendors taking appropriate measures to alleviate the energy burdens of eligible households, including providing for agreements between suppliers and individuals eligible for benefits under this Act that seek to reduce home energy costs, minimize the risks of home energy crisis, and encourage regular payments by individuals receiving financial assistance for home energy costs;

(8) provide assurances that,

(A) the State will not exclude households described in clause (2)(B) of this subsection from receiving home energy assistance benefits under clause (2), and

(B) the State will treat owners and renters equitably under the program assisted under this title;

(9) provide that--

(A) the State may use for planning and administering the use of funds under this title an amount not to exceed 10 percent of the funds payable to such State under this title for a fiscal year; and

(B) the State will pay from non-Federal sources the remaining costs of planning and administering the program assisted under this title and will not use Federal funds for such remaining cost (except for the costs of the activities described in paragraph (16));

(10) provide that such fiscal control and fund accounting procedures will be established as may be necessary to assure the proper disbursement of and accounting for Federal funds paid to the State under this title, including procedures for monitoring the assistance provided under this title, and provide that the State will comply with the provisions of chapter 75 of title 31, United States Code (commonly known as the "Single Audit Act");

(11) permit and cooperate with Federal investigations undertaken in accordance with section 2608;

(12) provide for timely and meaningful public participation in the development of the plan described in subsection (c);

(13) provide an opportunity for a fair administrative hearing to individuals whose claims for assistance under the plan described in subsection (c) are denied or are not acted upon with reasonable promptness; and

(14) cooperate with the Secretary with respect to data collecting and reporting under section 2610.

(15)* beginning in fiscal year 1992, provide, in addition to such services as may be offered by State Departments of Public Welfare at the local level, outreach and intake functions for crisis situations and heating and cooling assistance that is administered by additional State and local governmental entities or community-based organizations (such as community action agencies, area agencies on aging and not-for-profit neighborhood-based organizations), and in States where such organizations do not administer functions as of September 30, 1991, preference in awarding grants or contracts for intake services shall be provided to those agencies that administer the low-income weatherization or energy crisis intervention programs.

*** This assurance is applicable only to states, and to territories whose annual regular LIHEAP allotments exceed \$200,000. Territories with annual allotments of \$200,000 or less and Indian tribes/tribal organizations are not subject to assurance 15.**

(16) use up to 5 percent of such funds, at its option, to provide services that encourage and enable households to reduce their home energy needs and thereby the need for energy assistance, including needs assessments, counseling, and assistance with energy vendors, and report to the Secretary concerning the impact of such activities on the number of households served, the level of direct benefits provided to those households, and the number of households that remain unserved.

Certification to the Assurances: As Chief Executive Officer, I agree to comply with the sixteen assurances contained in Title XXVI of the Omnibus Budget Reconciliation Act of 1981, as amended.* By signing these assurances, I also agree to abide by the standard assurances on lobbying, debarment and suspension, and a drug-free workplace.

Signature of the Tribal or Board Chairperson or Chief Executive Officer of the State or Territory.**

Signature: _____

Title: Director

Date: _____

*** Indian tribes/tribal organizations, and territories with annual regular LIHEAP allotments of \$200,000 or less, are not subject to assurance 15, and thus must only certify to 15 assurances.**

**** If a person other than the Chief Executive Officer of the State or territory, or Tribal Chairperson or Board Chairperson of a tribal organization, is signing the certification to the assurances, a letter must be submitted delegating such authority. (PLEASE ATTACH DELEGATION AUTHORITY.) The delegation must include authority to sign the assurances, not just to administer the program.**

***** HHS needs the EIN (Entity Identification Number) of the State, territory or Tribal agency that is to receive the grant funds before it can issue the grant.**

****** New requirement from Federal Register Volume 68, No. 124, Friday, June 27, 2003/Notices, pages 38402-38405. Beginning October 1, 2003 all applications for Federal grants or cooperative agreements will include a Dun and Bradstreet Data Universal Numbering Systems (DUNS) number.**

In the above assurances which are quoted from the law, "State" means the 50 States, the District of Columbia, an Indian Tribe or Tribal Organization, or a Territory; "title" of the Act refers to Title XXVI of the Omnibus Budget Reconciliation Act of 1981 (OBRA), as amended, the "Low Income Home Energy Assistance Act"; "section" means Section 2605 of OBRA; and, "subsection" refers to Section 2605(b) of OBRA.

ABBREVIATED LIHEAP FY 2005 Application

Please list all changes made from your most recent detailed plan.

<u>Page</u>	<u>Subject</u>	<u>Modification</u>
7	Crisis Assistance	The detailed 2004 State Plan reflected 31.82% in crisis assistance. The allocation for this state plan is 32.54%.

Please specify whether you are using calendar year 2004 poverty level or FY 2005 median income estimates in determining eligibility:

2004 poverty level _____%

FY 2005 median income 60 %

Please describe how you obtained public participation in the development of your 2005 plan. (For States, please also provide information on your public hearings.):

A public hearing is scheduled for **August 17, 2004** at 10:00 a.m., at the Department of Community Services and Development (CSD), 700 North Tenth Street, Bado Conference Room, Sacramento, CA 95814.

The draft 2005 Abbreviated State Plan Application will be posted on the CSD website and a copy was mailed to all of CSD's LIHEAP service providers on July 19, 2004 with an accompanying cover letter announcing the date, time and location of the public hearing. Public Notices will be published in several newspapers in the north, central, and southern parts of the state. Publication of these notices will be at least ten days prior to August 17, 2004. The public will be given at least 30 days to review and offer comments prior to the public hearing.

Attachment One will summarize the comments received from the public hearing and CSD's responses.

Date carryover and reallocation report submitted: July 1, 2004